

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

UTICA RESOURCE OPERATING, LLC,

Defendant.

Civil Action No. 22-3906

NOTICE OF LODGING OF CONSENT DECREE

The United States, by and through its undersigned attorneys, and on behalf of the U.S. Environmental Protection Agency (“EPA”), hereby lodges the accompanying proposed Consent Decree with this Court for the purposes of soliciting public comment on the proposed agreement. No action is requested of the Court at this time.

The United States has filed an action under the Clean Air Act (“CAA”) relating to a number of oil and natural gas production well pads that Utica Resource Operating, LLC (“URO”) operates in Ohio. The claims in the Complaint arise from URO’s alleged failure to comply with the CAA New Source Performance Standards (“NSPS”) that are designed to prevent uncontrolled emissions of volatile organic compounds from dozens of large tanks that store crude oil and oily wastewater at the facilities. The Complaint alleges violations relating to noncompliance with storage vessel cover and closed vent system requirements, combustor operation requirements, and inspection and recordkeeping requirements.

Under the Consent Decree, URO would be required to take a number of measures to come into compliance with the law. In particular, the proposed Consent Decree requires URO to

pay a \$1 million civil penalty, complete a suite of injunctive relief at fifteen well pads to come into compliance with the NSPS and the facilities' operating permits, and implement mitigation measures at many of the well pads owned by URO. The Consent Decree requires a multi-step compliance program to review the current design of each tank and vapor control system and then make necessary design improvements to ensure that vapors will not be released to the atmosphere during operations.

Pursuant to U.S. Department of Justice policy, the United States will publish notice of the lodging of the proposed Consent Decree in the Federal Register to commence a 30-day public comment period. The Court should not sign the proposed Consent Decree until the public has had an opportunity to comment and the United States has addressed those comments, if any. The United States may withhold its consent to the proposed Consent Decree if the comments disclose facts or considerations which indicate that the proposed Consent Decree is improper, inappropriate, inadequate, or not in the public interest. At the conclusion of the public comment period, the United States will: (1) file with the Court any written comments received pertaining to the proposed Consent Decree; and (2) either notify the Court of its withdrawal of the proposed Consent Decree, or respond to comments received and request this Court to approve and enter the proposed Consent Decree.

Respectfully submitted,

FOR THE UNITED STATES OF AMERICA:

s/ Nicholas A. McDaniel
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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2022, the foregoing Notice of Lodging was filed electronically and notice of this filing will be automatically sent to counsel of record on the ECF system. A copy of the foregoing Notice of Lodging was also sent by electronic mail to the following counsel:

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